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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,390	12/05/2003	Nick Kakouras	2853-001	9237

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EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT	PAPER NUMBER
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3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/728,390

Applicant(s)

KAKOURAS, NICK

Examiner

Justin M. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 10-12 is/are allowed.
- 6) ☒ Claim(s) 1 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. As set forth in paragraph 9 of the previously mailed Office action, the abstract of the disclosure is objected to because it contains the legal phraseology "means".

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites that a first strap includes both a means to engage an upper gun swivel and a means to engage a lower gun swivel. Claim 1 also recites that a second strap includes both a means to engage an upper gun swivel and a means to engage a lower gun swivel. These limitations make it sound as if there are four separate means for engaging a gun; two means for engaging an upper gun swivel, one on each strap, and two means for engaging a lower gun swivel, one on each strap. The originally filed disclosure shows two means for engaging gun swivels, one means to engage the upper gun swivel, and one means to engage the lower gun swivel. It is therefore unclear if the claim is attempting to claim four engagements means or two engagement means. For purpose of examination, Examiner assumes that there are in fact only two engagement means that are each connected to both of said first and second straps.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hightower (US 5,802,756 A) in view of Branby (US 3,595,451 A) and Mott et al. (US 5,806,742 A), and further in view Mayers (US 6,168,060 B1).

Regarding claim 1, Hightower discloses a gun sling comprising a single strap having a wide padded portion (29), the strap including means (17/21) to engage both an upper and a lower gun swivel, and the strap having a length adjustment means (27) at a lower end thereof, but fails to disclose the gun sling having a second strap with the same structure as the first. Branby, however, teaches that it is desirable to provide a convertible gun sling so that a user has the option of two shoulder straps instead of just one, so that when the user needs both of their hands, they can carry their gun on their back via two shoulder straps to free up any hand(s) that would normally support the gun sling when worn over only one shoulder. Mott et al. disclose a gun case sling comprising two shoulder straps that allow a user to carry a gun on their back. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second strap, structurally equivalent to the first strap, on the gun sling of Hightower, as taught by Mott et al. and motivated by Branby, so that a user could

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carry the gun sling of Hightower on their back in order to free up their hands when needed.

The modified Hightower gun sling set forth above still fails to include an attachment means for attaching the first and second straps to one another, where the attachment means includes two sides, one side being on the first strap and the second side being on the second strap. Mayers, however, also discloses a support sling having two shoulder straps, and teaches that the wider portions of each strap includes one side of an attachment means (18,26) for attaching the two straps together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include one side of an attachment means on each of the wider padded portions (29) of the modified Hightower gun sling, as taught by Mayers, so that a user could attach the straps together to form a single-shoulder sling in addition to a dual-shoulder sling.

Regarding claim 4, the attachment means of the modified Hightower gun sling is snaps, as taught by Mayers.

Regarding claim 5, the gun swivel engagement means of the modified Hightower gun sling is a single clip (17/24,21/20), as taught by Hightower himself.

Regarding claim 6, the modified Hightower gun sling includes the claimed features except for the gun swivel engagement means including a single plate with first and second slots for engaging each of said first and second straps. Mayers, however, teaches that two straps (12,14) can be connected to an engagement means (24) via a single plate with first and second slots for engaging each of the two straps (Figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention

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was made to attached the first and second straps of the modified Hightower sling to the engagement means using a slotted plate, as taught by Mayers, since such a plate is a known means for attaching two straps to an engagement means.

Regarding claim 7, the engagement means of the modified Hightower gun sling can be considered to include the length adjustable clips (27), effectively satisfying the limitations of the claim.

Allowable Subject Matter

6. Claims 8 and 10-12 are allowed.

Response to Arguments

7. Applicant's arguments filed 1/11/07 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art includes various convertible gun slings and gun sling in general.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 7am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML
3/31/07


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER